

Chapter 7

Grants from Persons and Corporations

Part 1

General Provisions

63J-7-101 Definitions.

(1) As used in this chapter:

(a)

(i) "Agency" means a department, division, committee, commission, council, court, or other administrative subunit of the state.

(ii) "Agency" includes executive branch entities and judicial branch entities.

(iii) "Agency" does not mean higher education institutions or political subdivisions.

(b)

(i) "Grant" means cash or other money donated to an agency by a grantor.

(ii) "Grant" includes a reauthorization of an existing grant.

(iii) "Grant" does not mean:

(A) money appropriated to an agency by the Legislature;

(B) money received from the United States government;

(C) money legally required to be paid to the state; or

(D) money legally required to be repaid by the state.

(c) "Grantor" means the individual, group of individuals, foundation, corporation, or public or private organization making the grant.

(d) "Grant reauthorization" means the formal submission from an agency to the grantor applying for reauthorization or seeking reauthorization of a grant.

(e) "Grant summary" means a document detailing:

(i) the amount of money that is being requested or is available to be received by the agency from a grant;

(ii) the duration of the grant and provisions for its reauthorization or extension, if any;

(iii) the name of the grantor;

(iv) the purpose of the grant, including, in detail, any programs, resources, and positions required to be funded by the grant;

(v) any requirements that the agency must meet as a condition to receive or participate in the grant; and

(vi) the amount of state money, if any, that will be required in order to obtain the grant.

(f) "New state money" means money, whether specifically appropriated by the Legislature or not, that the grantor requires Utah to expend as a condition for receiving the grant.

(g) "State" means the state of Utah and all of its agencies, and any administrative subunits of those agencies.

(2) When this chapter describes an employee as a "permanent full-time employee" or a "permanent part-time employee," it is not intended to, and may not be construed to, affect the employee's status as an at-will employee.

Enacted by Chapter 195, 2008 General Session

63J-7-102 Scope and applicability of chapter.

- (1) Except as provided in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to each agency and govern each grant received on or after May 5, 2008.
- (2) This chapter does not govern:
- (a) a grant deposited into a General Fund restricted account;
 - (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;
 - (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;
 - (d) a grant made to the state without a restriction or other designated purpose that is deposited into the General Fund as free revenue;
 - (e) a grant made to the state that is restricted only to "education" and that is deposited into the Education Fund or Uniform School Fund as free revenue;
 - (f) in-kind donations;
 - (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state when required by state law or application of state law;
 - (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax Contribution Act;
 - (i) a grant received by an agency from another agency or political subdivision;
 - (j) a grant to the Utah Dairy Commission created in Section 4-22-2;
 - (k) a grant to the Heber Valley Historic Railroad Authority created in Section 63H-4-102;
 - (l) a grant to the Utah State Railroad Museum Authority created in Section 63H-5-102;
 - (m) a grant to the Utah Housing Corporation created in Section 63H-8-201;
 - (n) a grant to the Utah State Fair Corporation created in Section 63H-6-103;
 - (o) a grant to the Workers' Compensation Fund created in Section 31A-33-102;
 - (p) a grant to the Utah State Retirement Office created in Section 49-11-201;
 - (q) a grant to the School and Institutional Trust Lands Administration created in Section 53C-1-201;
 - (r) a grant to the Utah Communications Authority created in Section 63H-7a-201;
 - (s) a grant to the Medical Education Program created in Section 53B-24-202;
 - (t) a grant to the Utah Capital Investment Corporation created in Section 63N-6-301;
 - (u) a grant to the Utah Charter School Finance Authority created in Section 53A-20b-103;
 - (v) a grant to the State Building Ownership Authority created in Section 63B-1-304;
 - (w) a grant to the Utah Comprehensive Health Insurance Pool created in Section 31A-29-104; or
 - (x) a grant to the Military Installation Development Authority created in Section 63H-1-201.
- (3) An agency need not seek legislative review or approval of grants under Part 2, Grant Approval Requirements, if:
- (a) the governor has declared a state of emergency; and
 - (b) the grant is donated to the agency to assist victims of the state of emergency under Subsection 53-2a-204(1).

Amended by Chapter 223, 2015 General Session
Amended by Chapter 226, 2015 General Session
Amended by Chapter 283, 2015 General Session
Amended by Chapter 411, 2015 General Session

Part 2

Grant Approval Requirements

63J-7-201 Governor to approve certain grant requests.

- (1)
 - (a) Before obligating the state to accept or receive a grant, an executive branch agency shall submit a grant summary to the governor or the governor's designee for approval or rejection when:
 - (i) the executive branch agency would receive a grant of at least \$10,000 but no more than \$50,000 if the grant is approved;
 - (ii) receipt of the grant will require no additional permanent full-time employees, permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and
 - (iii) no new state money will be required to match the grant.
 - (b) The Governor's Office of Management and Budget shall report each grant authorized under this section to:
 - (i) the Legislature's Executive Appropriations Committee; and
 - (ii) the Office of the Legislative Fiscal Analyst.
- (2) The governor or the governor's designee shall approve or reject each grant submitted under the authority of this section.
- (3)
 - (a) If the governor or the governor's designee approves the grant, the executive branch agency may accept the grant.
 - (b) If the governor or the governor's designee rejects the grant, the executive branch agency may not accept the grant.
- (4) If an executive branch agency fails to obtain the governor's or the governor's designee's approval under this section, the governor may require the agency to return the grant.

Amended by Chapter 310, 2013 General Session

63J-7-202 Judicial council to approve certain grant requests.

- (1)
 - (a) Before obligating the state to accept or receive a grant, a judicial branch agency shall submit a grant summary to the Judicial Council for its approval or rejection when:
 - (i) the state would receive a grant of at least \$10,000 but no more than \$50,000 if the grant is approved;
 - (ii) receipt of the grant will require no additional permanent full-time employees, additional permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and
 - (iii) no new state money will be required to match the grant.
 - (b) The Judicial Council shall report each grant authorized under this section to:
 - (i) the Legislature's Executive Appropriations Committee; and
 - (ii) the Office of the Legislative Fiscal Analyst.
- (2) The Judicial Council shall approve or reject each grant submitted under the authority of this section.
- (3)
 - (a) If the Judicial Council approves the grant, the judicial branch agency may accept the grant.
 - (b) If the Judicial Council rejects the grant, the judicial branch agency may not accept the grant.
- (4) If a judicial branch agency fails to obtain the Judicial Council's approval under this section, the Judicial Council may require the agency to return the grant.

Enacted by Chapter 195, 2008 General Session

63J-7-203 Legislative review and approval of certain grant requests.

(1) As used in this section:

(a) "High impact grant" means a grant that will or could:

- (i) result in the state receiving total payments of \$1,000,000 or more per year from the grantor;
- (ii) require the state to add 11 or more permanent full-time employees, 11 or more permanent part-time employees, or combination of permanent full-time employees and permanent part-time employees equal to 11 or more in order to receive the grant; or
- (iii) require the state to expend more than \$1,000,000 of new state money in a fiscal year in order to receive or administer the grant.

(b) "Medium impact grant" means a grant that will or could:

- (i) result in the state receiving total payments of more than \$50,000 but less than \$1,000,000 per year from the grantor;
- (ii) require the state to add more than zero but less than 11 permanent full-time employees, more than zero but less than 11 permanent part-time employees, or a combination of permanent full-time employees and permanent part-time employees equal to more than zero but less than 11 in order to receive or administer the grant; or
- (iii) require the state to expend \$1 to \$1,000,000 of new state money in a fiscal year in order to receive or administer the grant.

(2)

(a) Before obligating the state to accept or receive a medium impact grant, and, where possible, before formally submitting a request for a medium impact grant to the grantor, an agency shall:

- (i) submit the grant summary to the governor or the Judicial Council, as appropriate, for approval or rejection; and
- (ii) if the governor or Judicial Council approves the grant, submit the grant summary to the Legislative Executive Appropriations Committee for its review and recommendations.

(b) The Legislative Executive Appropriations Committee shall review the grant summary and may:

- (i) recommend that the agency accept the grant;
- (ii) recommend that the agency not accept the grant; or
- (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the acceptance of the grant.

(3)

(a) Before obligating the state to accept or receive a high impact grant, and, where possible, before formally submitting a request for a high impact grant to the grantor, an agency shall:

- (i) submit the grant summary to the governor or Judicial Council, as appropriate, for approval or rejection; and
- (ii) if the governor or Judicial Council approves the grant, submit the grant summary to the Legislature for its approval or rejection in an annual general session or a special session.

(b)

- (i) If the Legislature approves the grant, the agency may accept the grant.
- (ii) If the Legislature fails to approve the grant, the agency may not accept the grant.

(c) If an agency fails to obtain the Legislature's approval under this Subsection (3):

- (i) the governor or Judicial Council, as appropriate, may require the agency to return the grant;
- (ii) the Legislature may direct the agency to return the grant to the grantor; or

- (iii) the Legislature may reduce the agency's appropriation in an amount less than, equal to, or greater than the amount of the grant received by the agency.

Enacted by Chapter 195, 2008 General Session